

WARREN COUNTY BOARD OF SUPERVISORS

COMMITTEE: PUBLIC WORKS - DPW AND PARKS, RECREATION & RAILROAD
HELD AT THE UP YONDA FARM IN BOLTON LANDING, NY

DATE: JUNE 1, 2010

COMMITTEE MEMBERS PRESENT:

SUPERVISORS BELDEN
BENTLEY
STEC
MERLINO
LOEB
MCCOY
CONOVER

OTHERS PRESENT:

WILLIAM LAMY, SUPERINTENDENT OF PUBLIC WORKS
JEFFERY TENNYSON, DEPUTY SUPERINTENDENT OF PUBLIC WORKS
DON DEGRAW, AIRPORT MANAGER
GEORGE VAN DUSEN, PROJECT ENGINEER
REPRESENTING GLENS FALLS NATIONAL BANK:
LAURA VAMVALIS
MICKEY ORTA
BRADLEY MARTIN
KELLY BISHOP

COMMITTEE MEMBERS ABSENT:

SUPERVISORS CHAMPAGNE
PITKIN

FREDERICK MONROE, CHAIRMAN OF THE BOARD
JOAN SADY, CLERK OF THE BOARD
KEVIN GERAGHTY, BUDGET OFFICER
SUPERVISOR THOMAS
JOHN RIEGEL, UPPER HUDSON RIVER RAILROAD
BARBARA THOMAS, MARKETING MANAGER - NORTH CREEK FARMER'S
MARKET
JOANNE SMITH, TOWN OF NORTH CREEK RESIDENT
DON LEHMAN, *THE POST STAR*
AMANDA ALLEN, SR. LEGISLATIVE OFFICE SPECIALIST

Mr. Belden called the meeting of the Public Works Committee to order at 9:40 a.m.

Motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to approve the minutes from the previous Committee meeting, subject to correction by the Clerk of the Board.

Privilege of the floor was extended to William Lamy, Superintendent of Public Works, who distributed copies of the DPW agenda, a copy of which is on file with the minutes.

Mr. Lamy commenced the agenda review with the first item listed which pertained to personnel issues. He began by reading aloud his letter of retirement which would end his term as Superintendent of Public Works effective on July 30, 2010. Mr. Lamy proceeded to provide a detailed review of the charts and information included in the agenda which reflected changes in staffing, projects undertaken and equipment purchases facilitated for the years 2006 through 2010, as well as an organizational chart outlining the DPW office administration and a listing of the services provided by the DPW Engineering staff. He then presented a number of requests to fill vacant positions, five of which were directly related to his retirement, as follows:

1. Superintendent of Public Works, base salary \$115,842, vacated due to retirement;
2. Deputy Superintendent, base salary \$80,342, vacated due to promotion;
3. Senior Civil Engineer, base salary \$70,380, vacated due to promotion;
4. Engineer #1, base salary \$55,303, vacated due to promotion;
5. Assistant Engineer #1, base salary \$43,296, vacated due to promotion;
6. Welder, base salary \$30,751, vacated due to retirement; and
7. Auto Mechanic #4, base salary \$30,751, vacated due to transfer.

Note: Copies of Mr. Lamy's retirement letter and other documentation referenced, including the seven Notices of Intent to Fill Vacant Position forms, are in the agenda and on file with the minutes.

Mr. Lamy pointed out the positions listed as items one through five were directly related to his retirement and although the requests indicated the logical manner of promoting existing staff to fill vacancies, the Committee would ultimately determine whether to accept the suggestions or make alternate decisions. He added that neither himself or his staff had any preconceived notions as to how the vacancies would be addressed and he was certainly willing to provide the Committee with his prospective on the matter to aid them in making a decision in the best interest of the County.

Mr. Belden suggested that the Committee take time to review the personnel requests and consider how best to fill them with further discussion at the next Committee meeting in order to provide Mr. Lamy with the opportunity to work with his successor before his retirement became effective. Mr. Bentley pointed out that delaying a final decision until the July 16th Board meeting would provide Mr. Lamy with only two weeks to train his successor before leaving his position. Mr. Merlino interjected that due to Mr. Lamy's hard work and dedication to his position, he felt it was very difficult not to take the personnel suggestions he had made into consideration. He added his opinion that they should implement the suggestions provided for at least the first year, then make changes as they saw fit.

Mr. Conover questioned whether it might be appropriate to enter into a brief executive session to discuss the matter further and Paul Dusek, County Attorney/Commissioner of Administrative & Fiscal Services, apprised that in order to validate the executive session, they would have to narrow the discussion held to the employment history of a particular person. Continuing, he suggested that the Committee take a scientific approach in reviewing the salaries for all the positions listed to ensure they were appropriate before making any decisions as to how they would be filled, similar to the manner in which they had researched other position salaries.

Motion was made by Mr. Conover, seconded by Mr. Bentley and carried unanimously to enter into executive session to discuss the employment history of a particular person, pursuant to Section 105(f) of the Public Officers Law.

Executive session was held from 10:03 a.m. to 10:32 a.m.

Upon reconvening, Mr. Belden announced that no action was necessary subsequent to the executive session. He noted that Mr. Dusek had agreed to research the salaries of the anticipated vacant positions and return to the Committee with his findings for further discussion.

Mr. Lamy asked that the Committee consider approving the requests to fill the Welder and Auto Mechanic #4 positions. He noted that the Welder position had been vacated due to a retirement which became effective on May 15, 2010 and the person currently working as Auto Mechanic #4 was a viable candidate for the position. He noted that both positions incorporated the same salary figures; therefore, he said, this would actually be a transfer rather than a promotion, which would leave the Auto Mechanic #4 position vacant.

Motion was made by Mr. Bentley and seconded by Mr. McCoy to approve the requests to fill both the Welder and Auto Mechanic #4 positions as outlined above.

Mr. Dusek questioned whether this was the only Welder position and Mr. Lamy replied affirmatively. He explained that the current practice was to maintain and repair DPW vehicles as quickly as possible to keep them in working order and the Welder assisted in attaining this goal by providing for repairs to snow plows and other machinery. Mr. Lamy added that this position had full time responsibilities within the Department and allowed for repairs to be

made at the Department's convenience, rather than having to ship equipment or vehicles to outside vendors for the required work. He further noted that prevailing wages were not paid for welding services provided by Departmental staff, as they would be to an outside contractor, which made the repairs cost effective. Mr. Dusek questioned how many Auto Mechanic positions there were within the Department and Mr. Lamy replied there were nine and of that total one worked in the Body Shop, two were Road Mechanics and one was also used as a fabricator for recycling containers. Mr. Lamy pointed out that during his tenure, the Auto Mechanic staff had been reduced by two positions and he felt further reductions would require the assistance of outside repair services, incurring additional costs to the County by paying prevailing wage rates. He further noted that the Auto Mechanic staff provided services for just about every Department within the County for vehicle and equipment repairs, aside from the Sheriff's Office who secured the majority of their repair and maintenance services from outside sources. He added that there were cases in which the Auto Mechanic staff assisted the Sheriff's Office for towing dysfunctional vehicles as necessary.

Subsequent to further discussion, Mr. Belden called the question and the motion was carried unanimously to approve the request to fill the Welder and Auto Mechanic #4 positions and refer same to the Personnel Committee.

Resuming the agenda review, Mr. Lamy directed the Committee members to page 20 which included a request for transfer of funds as follows:

<u>From Code</u>	<u>To Code</u>	<u>Amount</u>
D5112 8032, CR#56 White Schoolhouse Rd	D5112 8151, CR#4 Mountain Rd	\$80,000
D5112 8146, CR#8 Friends Lake Rd	D5112 8151, CR#4 Mountain Rd	\$35,000
D5112 8147, CR#77 Main Street NC	D5112 8147, CR#4 Mountain Rd	\$32,000
D5112 8147, CR#77 Main Street NC	D5112 8152, CR#40 Golf Course Rd	\$41,000
D5112 8147, CR#77 Main Street NC	D5112 8105, CR#10 Schroon River Rd	\$47,833
D5112 8147, CR#77 Main Street NC	D5112 8153, CR#24 Mountain Ave	\$ 2,800
D5112 8133, CR#29 Peaceful Valley Rd	D5112 8153, CR#24 Mountain Ave	\$16,000

Mr. Lamy noted that the transfer of funds was necessary to support the changes made in the revised construction schedule which were outlined on agenda page 21. Referring to the paving planned for Schroon River Road, he advised that during the prior year the road had been reconstructed and a binder topping was used as a temporary surface, with final paving to be done in two to three years as funding became available. He added that after just one season, it had become apparent that paving would be required in the 2010 paving season in order to preserve the construction work that had already been done. Mr. Lamy apprised that there were other situations such as this that required attention earlier than previously thought and he had addressed the matter with Chairman Monroe and Mr. Goodspeed to request their approval for transfers from jobs initially planned in both Chestertown and Johnsbury for completion in 2010. He concluded that the request for transfer of funds had resulted from these discussions.

Motion was made by Mr. Conover, seconded by Mr. Bentley and carried unanimously to approve the request for transfer of funds as outlined above and to refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Lamy announced that the next agenda item referred to the MS4 Annual Report and he asked George Van Dusen, Project Engineer, to address the matter. Mr. Van Dusen stated that a summary of the Annual Report was included on page 23 of the agenda and he proceeded to read it aloud as follows:

WARREN COUNTY MS4 ANNUAL REPORT FOR THE YEAR
MARCH 9, 2009 TO MARCH 9, 2010
(SUMMARY)

The County of Warren, as a designated MS4 has functioned for another year without any significant change. We are substantially in compliance with DEC requirements, with room for some improvement.

A Storm Water Management Officer remains to be appointed. The MS4 land area in Warren County as delineated by DEC is based on population, and is predominantly in Queensbury and Glens Falls. Therefore it is anticipated that the position will be funded by the Town of Queensbury, the City of Glens Falls and the County of Warren.

A Storm Water Management Program Plan is required in order to be in compliance with DEC. The Annual Report states that it will be developed after the 2010 construction season.

As of May 1, 2010, the County has been operating under a new 5 year MS4 permit known as GP -0-10-112. Most of the changes included in the new permit are of no consequence to Warren County, however, some changes, particularly construction site and post construction management, will need to be addressed in the Storm Water Management Program Plan.

This year is an opportune time to appoint the Storm Water Management Officer, as it coincides with the development of the Storm Water Management Program Plan, and any changes required by the new permit.

When questioned as to whether a resolution was required in connection with this matter, Mr. Van Dusen replied in the negative, explaining that NYSDEC (New York State Department of Environmental Conservation) regulations required that the information and draft Report be provided to the Committee members at a public meeting and confirmation of such actions noted in the minutes of said meeting. He added that Chairman Monroe would be required to sign his approval of the final MS4 Report which would be submitted to NYSDEC in its entirety, along with a copy of the minutes from the meeting confirming that the presentation regulations had been met. No public comments were made relative to the MS4 Report.

Continuing, Jeffery Tennyson, Deputy Superintendent of Public Works, directed the Committee members to agenda page 24 which reflected a request to amend Resolution No. 430 of 2008, Authorizing Sale of Excess Right-of-Way (ROW) on Glendale Rd in the Town of Horicon, to reflect a new parcel size of .491 acres and to remove conditions requiring modification of the existing ditch. He explained the resolution authorized the sale of a .426 acre parcel with certain requirements that the purchaser modify the drainage ditch adjacent to the County Road; however, he added, the prospective developer of the property had subsequently re-evaluated his need for the parcel and determined that an additional strip of .065 acres was necessary for successful completion of the proposed project. Mr. Tennyson apprised DPW staff had reviewed the request for additional property and determined that the area in question was considered excess ROW, subsequently referring the revised parcel map to Mike Swan, Director of Real Property Tax Services to determine an appropriate valuation. He said Mr. Swan's determination indicated the additional acreage would not result in a change of value from the initial \$2,200 appraisal amount. Additionally, Mr. Tennyson noted they had determined the existing ditch would not require modification as originally anticipated as the roadway elevation was sufficiently higher than the parcel and existing ditch, thereby eliminating any risk to the

drainage pattern.

Mr. Geraghty questioned whether there would be any additional surveying costs incurred by the County for changes in the ROW transfer and Mr. Tennyson replied in the negative, advising that all associated costs would be assumed by the buyer.

Motion was made by Mr. Stec, seconded by Mr. Bentley and carried unanimously to approve the request to amend Resolution No. 430 of 2008 to reflect a new parcel size of .491 acres, as well as to remove conditions requiring the modification of the existing ditch, and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Tennyson advised that the next agenda item consisted of a request to amend the existing contract with Barton & Loguidice, PC for an amount not to exceed \$149,966 to include Supplemental Consultant Agreement #2 for the Beach Road Reconstruction Project. He noted that this was a Federal/State Aid project which would receive 80% Federal and 15% State reimbursements, with a 5% Local Share, and he explained that the supplemental agreement was necessary for the ROW acquisition phase associated with the Project. Mr. Tennyson stated that although considerable ROW necessities had not been initially anticipated, they had since discovered that easements from the Village of Lake George and NYSDEC, as well as from some residents along the Project route, would be required. He advised that the Supplemental Agreement would include all incidental costs for ROW and easement acquisitions, but noted the associated figure had recently been developed by Barton and Loguidice, PC and was under review by both the DPW and NYSDOT (New York State Department of Transportation), who would either concur with the amount or suggest modifications. Mr. Tennyson noted that although the amount associated with the Supplemental Agreement could either increase or decrease with the NYSDOT review, they were requesting the Committee's pre-approval in order to maintain the Beach Road Project schedule. He reiterated that the total amount of the Supplemental Agreement would be grant reimbursable, incurring a 5% Local Share cost to the County.

Motion was made by Mr. Bentley, seconded by Mr. Stec and carried unanimously to approve the request to amend the existing contract with Barton & Loguidice, PC as outlined above and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

The next agenda pertained to a request to amend the existing grant with NYSDOT in the amount of \$20,000 to include Supplemental Master Agreement #1 for extra engineering phase work on the Harrington Road Bridge Project which was included on agenda page 34, Mr. Tennyson apprised. He explained that in the course of the design and structure work they were required by NYSDOT to perform some additional boring tests at the bridge site, over and above those included in the initial engineering contract. Mr. Tennyson advised that a request to increase Capital Project H272.9550 280, Harrington Road Bridge Replacement, in the amount of \$16,300 was reflected on agenda page 42. He advised that the amount by which to increase the Capital Project was disproportionate to the increase in the existing NYSDOT grant because the State Marchiselli portion of the funding was not currently available. Mr. Tennyson stated that the State funding typically became available later in the project; he added the Local Share funding was already included in the Capital Project.

Motion was made by Mr. Bentley, seconded by Mr. Conover and carried unanimously to approve the request to amend the existing grant with NYSDOT in the amount of \$20,000 for the Harrington Road Bridge Project as outlined above and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Motion was made by Mr. Bentley, seconded by Mr. Conover and carried unanimously to approve the request to increase Capital Project No. H272.9550 280, Harrington Road Bridge Replacement, in the amount of \$16,300 as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Tennyson announced the next agenda item was included on page 44 in the form of a request to include town-owned dams in an RFP (Request for Proposal) for professional services relative to dam inspection/monitoring plans and initial safety inspections. He explained that new NYSDEC regulations required dam owners to produce inspection and monitoring plans, as well as to conduct initial safety inspections, and that the deadline for these plans was August 19, 2010 for Class B dams; he added the County owned one Class B dam located in the Town of Horicon. Mr. Tennyson apprised that the DPW Engineering staff was developing the technical portion of the RFP for necessary professional services and believed there was an opportunity to realize savings by grouping town and County owned dams into one contract. He said they would propose the associated costs be proportioned based on the number of dams included by each municipality.

Motion was made by Mr. Bentley, seconded by Mr. Conover and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Mr. Lamy advised the next two agenda items pertained to Airport business and he asked Don DeGraw, Airport Manager, to address them. Mr. DeGraw explained the two-bay fire house built at the Airport was sufficient to house the current fire truck vehicles, but was not large enough to accommodate the larger fire truck being purchased. He advised the FAA (Federal Aviation Administration) was willing to provide grant funding for the design costs associated with expansion of the existing fire house, which they estimated to cost \$20,000; he added that a 2.5% Local Share would be required, which would equate to a \$500 cost to the County. Mr. DeGraw said the agenda included a request to establish Capital Project H316.9550 280, ARFF (Aircraft Rescue Fire Fighting) Building Expansion Design, in the amount of \$20,000, as well as a request to submit a grant application for the FAA grant funding.

Mr. Loeb questioned how the project would proceed once the design was complete and Mr. DeGraw replied that the finished design would lead to construction in 2011, which the FAA would provide grant funding for as well, with a 2.5% Local Share.

Motion was made by Mr. Conover, seconded by Mr. Stec and carried unanimously to approve the request to establish Capital Project H316.9550 280, ARFF Building Expansion Design, in the amount of \$20,000 and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Motion was made by Mr. Conover, seconded by Mr. Stec and carried unanimously to approve the request to submit application for FAA grant funding in the amount of \$20,000 to fund the design costs of the ARFF Building expansion design and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Proceeding to the Items of Interest section of the agenda, Mr. Lamy apprised that as work progressed on the Corinth Road Project there had been a difference of opinion between the utility companies and the Town of Queensbury respective to the width of the ditch required for burying utility lines along the Project route. He said the issue continued to be deliberated and noted that a meeting was scheduled for that day to further discuss the matter. Mr. Tennyson said that all of the utility inspectors would be on-site for the meeting, as well as Rifenberg Construction,

the firm contracted to provide the actual undergrounding services, who intended to begin burying the utility lines as this was critical to the final completion date for the undergrounding process. Mr. Tennyson stated the utility inspectors would be on hand to verify that the necessary clearances would be met for all of the utility lines, as well as to inspect some of the additional conduits to differentiate those requested by the Town of Queensbury from those required by the utility companies. He said the goal was to work out all of these issues as quickly as possible in order for the Project to proceed and he noted there was other work Rifenberg could complete if the matter was not resolved within the week, but eventually this issue would have to be addressed and completed before the Project could proceed to completion. Mr. Tennyson stated the cost for the additional ditch width required by National Grid had been estimated at \$15,000; however, he said, there was now some disagreement as to whether National Grid had approved the plans for the wider ditch. Mr. Lamy stated the situation was somewhat humorous as National Grid had been involved in the Project planning since its inception, but had only recently cited complaints with the ditch widths.

Moving on, Mr. Lamy announced the new fuel system was working well and he said they had resolved the majority of the issues cited. He referenced a number of benefits attributed to the new fuel system, including the increased ability to track usage, reduce the number of outstanding keys/cards distributed, maintain more thorough usage records and monitor system alerts for all sites from the Warrensburg DPW office. Additionally, Mr. Lamy advised the new fuel system allowed them to produce the reports required for NYSDEC compliance without manual calculation. He pointed out that the fuel system was able to keep track of the 900 customers and 1,000 vehicles serviced which used approximately \$120,000 in fuel per month. Mr. Geraghty questioned whether the year end reports would be available to the towns for their NYSDEC compliance regulations and Mr. Tennyson replied affirmatively, noting that the software associated with the new fuel system allowed for information and reports to be manipulated in many different ways.

Referring to contracts awarded, Mr. Lamy advised that the Auctioneering Contract had been awarded to Auctions International, whom they had worked with in the past. He further advised that the contract for periodic asbestos and lead consulting services had been awarded to Albany Environmental Consultants.

Mr. Lamy distributed photographs of improvements made through paving projects funded by Federal Stimulus funding on Glenwood Avenue in the Town of Queensbury; *copies of the photos are included in the agenda packet*. He noted that Federal Stimulus funding would be used for a portion of the Corinth Road, west of the Corinth Road Project route, which they intended to complete within the following week, depending upon the weather.

With respect to the Beach Road Project, Mr. Lamy apprised that subsequent to discussions with NYSDEC through the County Attorney's Office, the Project scope had been changed to remove the NYSDEC portion. When questioned as to whether a formal notice should be forwarded to NYSDEC regarding this decision, Mr. Dusek replied that he would suggest a letter to this effect be sent to the NYSDEC engineer they had been in contact with and he advised that he would provide Mr. Lamy with the name of the NYSDEC attorney for inclusion in the letter.

Concluding the agenda review, Mr. Lamy addressed the referral listing which was comprised of only one item pertaining to the development of a Stormwater Officer position, on which he had no new information to present.

As there was no further DPW business to address, Mr. Belden announced they would begin the Parks, Recreation & Railroad portion of the Committee meeting. Privilege of the floor was extended to Paul Butler, Director of Parks, Recreation and Railroad, who distributed copies of the meeting agenda; *a copy of the agenda is also on file with the minutes*.

Commencing with Agenda Item 1, Mr. Butler presented a request for transfer of funds in the amount of \$129 from Code A7111.0198.418, Bolton Bed Tax - Supplies, to Code A7111.0198.260, Bolton Bed Tax - Other Equipment, to address a purchase code error.

Motion was made by Mr. Bentley, seconded by Mr. Merlino and carried unanimously to approve the request for transfer of funds as outlined above and refer same to the Finance Committee. *A copy of the request is on file with the minutes.*

Mr. Butler apprised that Agenda Item 2 included a request to authorize continuing snowmobile agreements between the County of Warren, the City of Glens Falls and the South Warren Snowmobile Club to provided for the licensing and use of trails, trail development and trail maintenance within the City of Glens Falls.

Motion was made by Mr. Merlino, seconded by Mr. Stec and carried unanimously to approve the aforementioned request and the necessary resolution was authorized for the June 18th Board meeting. *A copy of the request is on file with the minutes.*

Continuing to Agenda Item 3, Mr. Butler announced that the North Creek Farmer's Market would be held on the Kellogg Property every Thursday from June 17th through October 7th from 3:00 p.m. to 7:00 p.m. He said a request had been received from Frances Morrison and John Cameron of Colebrook Wines in Gansevoort, NY seeking permission to sell bottled wine and offer wine tasting during the Farmer's Market. Mr. Butler noted that the vendor held the proper licenses to allow for wine selling and tasting at public events.

When questioned as to whether the County was responsible for making decisions for use of the property, Mr. Butler responded that although the Kellogg Property was owned by the Outdoor Space Institute (OSI), the County was contracted to manage the property; he added that in revising the management agreement he had not found any language referring to situations such as this. Mr. Lamy apprised that because he would be required to sign a County Facilities Use Permit for the event he had discussed the situation with Mr. Dusek who indicated the Committee should be consulted on the matter due to the risk of increased liability exposure through the sale of alcohol.

Both Messrs. Belden and Bentley agreed that increased liability exposure was not favorable and Mr. Bentley noted that the Town of Horicon did not allow any alcoholic beverages on Town property due to the associated liability risks.

Barbara Thomas, Manager for the North Creek Farmer's Market, apprised that Colebrook Wines had participated in the North Creek Farmer's Market during the 2009 season, in addition to eight other similar farmer's markets throughout the area, without issue. She said the wine sold contained less than 13% alcohol and noted that the tasting sample provided was only about 2 oz and was typically shared between couples. In light of these factors, Ms. Thomas stated she did not feel there was any danger of patrons over indulging and creating liability issues for the County.

Mr. Dusek cautioned the Committee to carefully consider this issue before making their decision as this could not be reviewed as an isolated event. He further advised that the consumption of alcoholic beverages on County property posed a huge liability and he noted that if they approved such activities for the Farmer's Market event, they may have to allow them on other County properties, as well.

Following further discussion on the matter, it was determined the Committee was not in favor of approving the

request to allow wine sales or tasting at the North Creek Farmer's Market.

Resuming the agenda review with Item 4, Mr. Butler introduced Matt Sprow, Environmental Education Administrator at Up Yonda Farm, who proceeded with a pictorial powerpoint presentation outlining the history of the Up Yonda facility from the donation of the property to the County by Alice Scott, to its present day operation as an environmental education facility.

Mr. Butler advised that Agenda Item 5 pertained to a presentation by representatives of Glens Falls National Bank relative to the Up Yonda Trust Fund. He introduced Laura Vamvalis, Vice President of the Trust Department, and Mickey Orta, Vice President/Investment Officer, who were in attendance to address the matter. Copies of a bound document outlining the history of the Up Yonda Trust Fund, as well as its current financial standings, were distributed to the Committee members, which Ms. Vamvalis and Mr. Orta proceeded to review in detail. *A copy of the document is on file with the minutes.*

Following the presentation, Mr. Belden questioned the considerable decrease in the market value of the trust fund from 2008 to 2009 and Mr. Orta replied this was attributed to decreases in the stock market. Ms. Vamvalis pointed out that due to decreases in value they had begun seeking out other funding possibilities, such as grant opportunities, to assist with facility operations. Mr. Belden asked what the total operating budget for the facility was and Mr. Butler replied that for 2010 it was \$220,000; however, he added, this included the \$20,000 donation provided by the Town of Bolton. Mr. Belden noted that the Up Yonda facility provided benefits and programming for all residents and if they hoped to continue operations, it seemed the County would have to provide financial support. Mr. Conover concurred with Mr. Belden's statement and noted that they had started selling memberships in an effort to raise funding for the facility. He advised that the cost of a family membership was \$80 per year and would include free parking and admission for the majority of the events held at Up Yonda.

Mr. Belden questioned whether there was a fixed principal balance associated with the trust fund which could not be expended and Ms. Vamvalis responded that the principal was not restricted in the sense that it could not be spent, but rather they considered it restrictive in terms of the will document provided by Mrs. Scott. She advised they preferred for the trust total to remain above the initial amount provided by Mrs. Scott and that was why they had developed the 4% distribution formula to fund the Up Yonda facility. Ms. Vamvalis said that as the interest rate environment changed for the better they might be able to increase the amount distributed for the facility's operation.

Discussion ensued.

Concluding the agenda review, Mr. Butler addressed the listing of items pending from prior Committee meetings as follows:

1. Mr. Butler advised that the construction of the Stony Creek platform had been put on hold pending further developments relative to the 2011 Railroad Operator Contract.

Mr. Thomas asked that the Committee consider proceeding with the platform construction in order to preserve the grant funding received for the project. He noted that the initial deadline for use of the grant funding had been December 31, 2009; however, he said, an extension had been granted allowing for a final use deadline date of December 31, 2010. Mr. Thomas advised that if they did not finalize construction plans for the platform and obtain the necessary easement from the adjoining property owner, the project would not be completed by the close of the year and the grant funding would be lost.

Mr. Belden said he agreed with Mr. Thomas' statements and felt they should progress the project in order to use available grant funding. He then asked Mr. Lamy to review the matter and determine what was needed of the Committee to begin the platform construction. Mr. Lamy responded that the Committee had elected to put the project on hold until the RFP process for the 2011 Railroad Operator Contract was complete in order to determine whether the platform would actually be necessary. He said that if the Committee was now in favor of resuming the project, he did not think that any Committee action was necessary, other than to provide verbal direction. Mr. Lamy reiterated Mr. Thomas' previous statement that an easement from the adjoining property owner would be required in order to provide appropriate access and parking for the platform. Mr. Thomas apprised that he had met with Jack Arehart, owner of the 1,000 Acres Ranch Resort property located next to the proposed platform site, who was in favor of the platform construction and had indicated he was agreeable to providing the necessary easement.

Mr. Merlino apprised that he had been involved in several recent meetings with UHRR (Upper Hudson River Railroad) representatives during the past month and noted that they had been very cooperative in scheduling train runs to the southern platform locations in Thurman and Hadley. He advised he anticipated the train schedule would be finalized within the next week and would include two trains traveling to the Hadley Station on Saturday's and Wednesday's throughout the summer months. Mr. Merlino opined that the Stony Creek platform would add to the success of the railroad operation and he felt they should proceed with the platform construction in order to avoid jeopardizing the grant funding received.

Subsequent to further discussion on the matter, it was the consensus of the Committee that the Stony Creek platform project should proceed to construction in order to maintain the associated grant funding received.

2. Respective to the possible transfer of the Kellogg Property to the Town of Johnsburg, Mr. Butler noted that as per information received from Mr. Goodspeed, the Town continued to consider the issue and would provide further information to the Committee as it became available;
3. Mr. Butler apprised that he had no new information to report relative to the 2011 Railroad Operator RFP. Mr. Dusek interjected that his Office continued to work with the Town of Corinth to request the release of freight rights from CP Rail; he added that they expected a response from CP Rail in the near future;
4. Relative to the status of the RFP for the sale of the caboose located at the Riparius Station, Mr. Butler apprised that the RFP was currently being advertised and the bid opening was scheduled for August 5th at 3:00 p.m.;
5. Mr. Dusek advised he had been working with Assemblywoman Sayward's Office to determine if the prospective sale of the Fairgrounds property would qualify under the alienation of parklands statutes. He said they had submitted the necessary information for review, including a description of the property boundaries; however, he noted, there were concerns at the State level that an actual survey of the property was not available and the parkland classification continued to be an issue.

Mr. Bentley questioned how the parkland status could be enforced when the property was actually a part of the Countryside Adult Home property and Mr. Dusek replied that the State felt the classification was valid because the property was maintained by the Parks, Recreation & Railroad division. Chairman Monroe opined that the request for a survey was not reasonable because the property was clearly bound by surrounding roads and the Schroom River. Mr. Dusek replied that he was searching for an alternate solution to the issue and noted that if he could find a way to sway the State on their opinion of the parkland designation, it would alleviate the need for legislation to authorize sale of the property. He concluded that he would provide the Committee with further information as it became available.

6. Mr. Butler advised that the final referral item related to the request to amend Local Law No. 2 of 1984 to include a policy allowing the Director of Parks, Recreation & Railroad or the Superintendent of Public Works to approve requests for use of inflatable or other temporary structures on County-owned property without further Committee review and approval; he added that discussion on the matter had been tabled pending review by the County Attorney's Office.

Mr. Dusek announced his opinion that no inflatable units be allowed on County property as they were typically set up by a professional company and left for the day with no authorized supervision. He said this left no control to the County as to assurances that the units were being used in a proper fashion which led to increased liability exposure if someone were to be injured when using them. In the case of picnic areas, Mr. Dusek noted that these properties were not intended for amusement rides and therefore were not suited to accommodate them. He advised that if the Committee was in agreement with his assessment, a resolution should be authorized for the approval of the full Board of Supervisors.

Mr. Loeb said that while he understood there were concerns with the possibility that injuries could occur in connection with the use of bounce houses, he was concerned there might be some impression that the County was advocating against them. Mr. Dusek responded that this was not the case, but noted his concern with the precedents that could be set by allowing them for certain events, as well as the associated increase in liability exposure that they presented. He noted that County property was not intended to allow for this use and this was simply a point of insurance and injury. Mr. Dusek reiterated that as the County Attorney he was not in favor of allowing their use; however, he noted, the final decision on the matter would rest upon the prerogative of the full Board.

Mr. Conover said he was uncomfortable with the Board of Supervisors acting on individual elements such as the use of bounce houses and felt that the Commissioner of Administrative & Fiscal Services should be provided with the proper guidance to determine which events would qualify for safe use of bounce houses by developing a criteria requiring proper insurance and use supervision regulations. He noted that Mr. Dusek could use these regulations to make determinations as to which would be authorized to incorporate bounce houses in their events and which would not.

Following a brief discussion on the matter, Mr. Belden asked that Mr. Dusek review the issue further and determine what guidelines would be appropriate for the policy suggested by Mr. Conover for further discussion at a future Committee meeting.

John Riegel, of UHRR, requested permission to address the Committee and provide an update on the recent Thomas the Tank event. Mr. Riegel apprised that the event had been very successful, boasting 8,200 attendees, and he stated they were very thankful to the County for their continued support. With reference to the summer train schedule, he confirmed Mr. Merlino's earlier statements that UHRR would be providing increased service to the more southerly stations, with runs to the Hadley Station being scheduled for Wednesdays and Saturdays. Mr. Riegel apprised that in order to meet these commitments another engine was required, which they had ordered and should be arriving within the next week. In closing, Mr. Riegel said they were looking forward to providing service to Americade visitors and had already sold 1,200 advance tickets for train rides during the event.

Mr. Lamy apprised that he and his family had attended the Thomas the Tank event for the third consecutive year and had thoroughly enjoyed it. He noted that the event had succeeded in drawing an amazing amount of people to the Town of North Creek.

Joanne Smith, Town of North Creek resident, apprised she had recently visited the Saratoga Railroad Depot and picked up a publication which included a full color advertisement promoting scenic railroads and announcing UHRR as a provider for these services. She said the publication also offered information on major concert events taking place along the railroad line. Ms. Smith stated that if they were able to forward the efforts to increase traffic along the railroad line, this was the type of marketing that could be done to increase interest and patronage. She asked the Committee to remain focused on the railroad project and keep it moving forward as areas like the Town of North Creek were eagerly awaiting the increased tourism that could be achieved through this venture.

Mr. Butler noted he would be touring the rail line with representatives of three different railroad groups in June in preparation for their intended responses to the 2011 Railroad Operator RFP.

As there was no further business to come before the Committee, on motion made by Mr. Bentley and seconded by Mr. Stec, Mr. Belden adjourned the meeting at 12:47 p.m.

Respectfully submitted,
Amanda Allen, Sr. Legislative Office Specialist